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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,268	06/21/2001	Koji Takeguchi	100794-09745(FUJR 18.748)	6901
26304	7590	04/05/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			PHILPOTT, JUSTIN M	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,268	Applicant(s) TAKEGUCHI ET AL.	
	Examiner Justin M Philpott	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 2, 2005 has been entered.

Response to Arguments

2. Applicant's arguments, see pages 11-14, filed February 2, 2005, with respect to newly amended independent claims 1, 8 and 9 have been fully considered and are persuasive in view of the amendment. That is, the previously cited art does not specifically disclose the new limitations presently recited in the amended claims. Accordingly, applicant's amendment has overcome the previous grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2665

4. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,461,622 to Bleickardt et al. in view of European Patent Application Publication No. EP 0939509 A2 by Takatsu et al.

Regarding claims 1, 8 and 9, Bleickardt teaches a transmission system for controlling the transmission of a concatenation signal via a path, the system comprising: a sending apparatus (e.g., 200, see FIG. 2) including: signal dividing means (e.g., via combination of 205, 208, 211-213, 216-218) for dividing the concatenation signal (e.g., 201) to generate a plurality of divided signals (e.g., 202-204) which are pseudo concatenation signals having a SONET or SDH multiplexed interface (e.g., STS-3c, see col. 2, lines 44-61 and col. 7, line 66 – col. 8, line 12), the bit rate (e.g., 149.760 Mb/s, see col. 8, lines 3-12) of which is lower than that of the original concatenation signal according to a bit rate available for transmission (e.g., super-rate signal at a rate greater than the payload rate of the STS-3c signal, see col. 8, lines 3-12); guarantee information adding means (e.g., overhead inserters 217) for adding guarantee information (e.g., Stuffing Indicator and overhead bytes, see col. 4, line 30 – col. 6, line 5), for guaranteeing the continuity of the divided signals (e.g., see col. 6, lines 31-65 regarding Stuffing Indicator and overhead bytes extracted and evaluated to provide proper destuffing and alignment), to each of the divided signals to generate transmission signals; and signal sending means (e.g., 218) for sending the transmission signals; and a receiving apparatus (e.g., 500 in FIG. 5) including: a signal receiving means (e.g., via combination of 504-508) for receiving the transmission signals (e.g., 501); and signal restoring means (e.g., via combination of 509-511) for restoring the original concatenation signal by constructing the divided signals (e.g., at output of 511) on the basis of the guarantee information (e.g., see col. 6, line 16 – col. 7, line 48).

However, Bleickardt may not specifically disclose a respective bit rate of the divided signals differs from that of another of the divided signals.

Takatsu also teaches an optical transmission system and specifically discloses a multiplexing system wherein a signal for transmission comprises and is divided into a plurality of signals, wherein one of the divided signals differs from that of another (e.g., see paragraph 0019 regarding channels being allocated to an OC-192 frame at a bit rate of 10Gbps and channels being allocated to an OC-48 frame at a bit rate of 2.4Gbps; also see paragraph 0024 wherein a 600Mbps OC-12 frame is accommodated; also see paragraphs 0038-0040, and FIG. 1A comprising both OC-192 and OC-48 frames). The teachings of Takatsu accommodating an increased number of high-speed optical signals with increased signal quality (e.g., see paragraphs 0010-0016). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Takatsu to the system of Bleickardt in order to accommodate an increased number of high-speed optical signals with increased signal quality.

Regarding claim 2, Bleickardt teaches the guarantee information adding means adds at least one of information regarding the type of the concatenation signal (e.g., see col. 4, lines 30-59 regarding the number of fixed stuffing bytes which indicate a certain signal rate), the frame number of the concatenation signal (e.g., see col. 5, lines 45-64 regarding frame reference bytes), and a division number (e.g., Stuffing Indicator byte, see col. 4, line 22 – col. 5, line 7) at the time of dividing the concatenation signal to the divided signal as the guarantee information.

Regarding claim 3, Bleickardt teaches the guarantee information adding means adds the guarantee information in empty bytes of a path overhead (e.g., via path overhead generator, see col. 5, lines 45-64) for the divided signal.

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleickardt in view of Takatsu, further in view of U.S. Patent No. 6,473,438 to Cioffi et al.

Regarding claim 4, Bleickardt in view of Takatsu teaches the transmission system discussed above regarding claim 1, however, may not specifically disclose the receiving apparatus further includes delay information notifying means for giving the sending apparatus delay information regarding delays which have occurred at the time of receiving the transmission signals.

Cioffi also teaches a transmission system for controlling the transmission of a multiplexed signal via a path, and further, Cioffi teaches providing improved synchronization upon experiencing delays. Specifically, Cioffi teaches a receiving apparatus (e.g., central unit 10) further includes delay information notifying means (e.g., delay correction information, see col. 15, line 62 – col. 16, line 20) for giving a sending apparatus (e.g., first remote unit 15) delay information regarding delays which have occurred at the time of receiving the transmission signals. Cioffi further discloses that the teachings are applicable to a wide variety of data transmission systems including systems utilizing fiber for transmission path means (e.g., see col. 3, lines 10-16; see also col. 5, lines 48-58 regarding additional applicability). The delay correction information teachings of Cioffi provides improved synchronization for a plurality of signals transmitted along a common path whereby a receiving apparatus (e.g., 10) can accurately coordinate and reliably interpret a plurality of multiplexed signals having various delays (e.g., see col. 2, lines 45-51; see also col. 2, line 65 – col. 5, line 58). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the delay correction

Art Unit: 2665

information teachings of Cioffi to the transmission system of Bleickardt in view of Takatsu in order to provide improved synchronization for a plurality of signals transmitted along a common path whereby a receiving apparatus can accurately coordinate and reliably interpret a plurality of multiplexed signals having various delays (e.g., see col. 2, lines 45-51).

Regarding claim 5, Cioffi further teaches, on the basis of delay information, the signal sending means (e.g., at remote unit) sets the bit rate (e.g., data rate, see col. 4, line 64 – col. 5, line 6) of each transmission signal variable and makes delay correction (e.g., see col. 3, lines 25-39). As discussed above, the delay correction information teachings of Cioffi provides improved synchronization for a plurality of signals transmitted along a common path whereby a receiving apparatus (e.g., 10) can accurately coordinate and reliably interpret a plurality of multiplexed signals having various delays (e.g., see col. 2, lines 45-51; see also col. 2, line 65 – col. 5, line 58). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the delay correction information teachings of Cioffi to the transmission system of Bleickardt in view of Takatsu in order to provide improved synchronization for a plurality of signals transmitted along a common path whereby a receiving apparatus can accurately coordinate and reliably interpret a plurality of multiplexed signals having various delays (e.g., see col. 2, lines 45-51).

Regarding claims 6 and 7, these claims were rejected in a previous office action by the Examiner taking official notice that the limitations recited in these claims are well known in the art. That is, it is well known in the art of multiplex communications to overlap portions of transmitted signals whereby delay correction is performed at receiving means. In applicant's responses of June 17, 2004, February 2, 2005, and March 4, 2005, applicant has not traversed the

Art Unit: 2665

Examiner's assertion of official notice or applicant's traverse is not adequate. Therefore, in accordance with MPEP 2144.03(C), the limitations recited in these claims comprise well-known art and are taken to be admitted prior art. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to overlap portions of transmitted signals in the system of Bleickardt in view of Takatsu in view of Cioffi whereby delay correction is performed at receiving means since such an implementation is well known in the art of multiplex communications.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin M Philpott



**ALPUS H. HSU
PRIMARY EXAMINER**